



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE
5636 Southern Boulevard, Virginia Beach, Virginia 23462
(757) 518-2000 FAX (804) 698-4178

www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Craig R. Nicol
Regional Director

May 1, 2023

Ms. Holly Noack
Environmental Health and Safety Manager
Lyon Shipyard, Incorporated
PO Box 2180
Norfolk, Virginia 23501
holly.noack@lyonshipyard.com

Location: Norfolk
Registration No.: 61274

Dear Ms. Noack:

Attached is a renewal Title V permit to operate your Brown Avenue facility pursuant to 9VAC5 Chapter 80 Article 1 of the Virginia Regulations for the Control and Abatement of Air Pollution. The attached permit will be in effect beginning May 1, 2023.

In the course of evaluating the application and arriving at a final decision to issue this permit, the Department of Environmental Quality (DEQ) deemed the application complete on June 28, 2021, and solicited written public comments by placing a newspaper advertisement in the *Virginian-Pilot* on March 10, 2023. The thirty-day required comment period, provided for in 9VAC5-80-270, expired on April 10, 2023.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and/or civil charges. Please read all permit conditions carefully.

This permit approval to operate shall not relieve Lyon Shipyard, Inc. of the responsibility to comply with all other local, state, and federal permit regulations.

The Board's Regulations as contained in Title 9 of the Virginia Administrative Code 5-170-200 provide that you may request a formal hearing from this case decision by filing a petition with the DEQ within 30 days after this case decision notice was mailed or delivered to you. Please consult the relevant regulations for additional requirements for such requests.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

Michael S. Rolband, Director
Department of Environmental Quality
PO Box 1105
Richmond, VA 23218

If this permit was delivered to you by mail, three days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this permit, please contact Stephanie Arnold at (757) 788-6150 or by email at stephanie.arnold@deq.virginia.gov.

Sincerely,



Craig R. Nicol
Regional Director

CRN/MSO/SGA/61274_005_23_T5R_LyonShipyard-BA_CvrLtr.docx

Attachment: Permit

cc: John Brandt, DEQ TRO Air Compliance Manager (john.brandt@deq.virginia.gov)
Maya Whitaker, DEQ Office of Air Permit Programs (OAPP) (maya.whitaker@deq.virginia.gov)
Yongtian (Tom) He, PhD, U.S. EPA Region III (he.yongtian@epa.gov)



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE
5636 Southern Boulevard, Virginia Beach, Virginia 23462
(757) 518-2000 FAX (804) 698-4178

www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Craig R. Nicol
Regional Director

Federal Operating Permit
Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated, or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9VAC5-80-50 through 9VAC5-80-300, of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Lyon Shipyard, Inc.
Facility Name:	Lyon Shipyard, Inc.
Facility Location:	1801 Brown Avenue Norfolk, Virginia 23504
Registration Number:	61274
Permit Number:	TRO-61274

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act

May 1, 2023
Effective Date

April 30, 2028
Expiration Date

May 1, 2023
Signature Date

Craig R. Nicol

Table of Contents

FACILITY INFORMATION	3
EMISSION UNITS	4
RECIPROCATING INTERNAL COMBUSTION ENGINE (RICE) REQUIREMENTS – (REF. NOS. EG-1, EG-2, FP-1, AND FP-2)	7
LIMITATIONS	7
MONITORING AND RECORDKEEPING	9
TESTING	10
REPORTING.....	10
PROCESS EQUIPMENT REQUIREMENTS: ABRASIVE BLASTING REQUIREMENTS – (REF. NOS. AB 7 – 15, SS 1-3, AND PB-1)	12
LIMITATIONS	12
MONITORING AND RECORDKEEPING	13
TESTING	14
PROCESS EQUIPMENT REQUIREMENTS: COATING AND CLEANING OPERATION REQUIREMENTS – (REF. NOS. SP 1 – 6)	15
LIMITATIONS	15
MONITORING AND RECORDKEEPING	16
TESTING	17
PROCESS EQUIPMENT REQUIREMENTS: DEGREASING OPERATIONS - NON-HALOGENATED COLD DEGREASER (REF. NO. DC)	18
LIMITATIONS	18
MONITORING AND RECORDKEEPING	19
PROCESS EQUIPMENT REQUIREMENTS: WOOD WORKING OPERATIONS REQUIREMENTS (REF. NO. WW-1)	20
LIMITATIONS	20
MONITORING AND RECORDKEEPING	20
MACT, SUBPART II SHIPBUILDING AND SHIP REPAIR REQUIREMENTS.....	22
LIMITATIONS	22
COMPLIANCE PROCEDURES	22
MONITORING, RECORDKEEPING, AND REPORTING	23
FACILITY WIDE REQUIREMENTS	25
INSIGNIFICANT EMISSION UNITS	26
PERMIT SHIELD & INAPPLICABLE REQUIREMENTS	27
GENERAL CONDITIONS	28

Facility Information

Permittee

Lyon Shipyard, Inc.
PO Box 2180
Norfolk, Virginia 23501

Responsible Official

Holly Noack
Environmental Health and Safety Manager
holly.noack@lyonshipyard.com

Facility

Lyon Shipyard, Inc.
1801 Brown Avenue
Norfolk, Virginia 23504

Contact Person

Holly Noack
Environmental Health and Safety Manager
(757) 622-4661 x323
holly.noack@lyonshipyard.com

County-Plant Identification Number: 51-710-00249

Facility Description:

NAICS **336611** – Ship Building and Repairing

Lyon Shipyard, Inc. functions primarily as a ship repair facility.

The facility is a Title V major source of PM, PM10, VOC, and HAPs. This source is located in an attainment area for all pollutants and is a PSD minor source.

Emission Units

Equipment to be operated consists of:

Reciprocating Internal Combustion Engine (RICE) Equipment

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
EG-1	EGS-1	Diesel-fired, emergency engine-generator set located at dry dock. Installed on or after 12/19/2002 and before 7/11/2005.	500 kW	--	--	--	--
EG-2	EGS-2	Diesel-fired, emergency engine-generator set located at dry dock. Installed before 7/11/2005.	500 kW	--	--	--	--
FP-1	FPS-1	Diesel-fired fire pump. Installed before 7/11/2005.	200 HP	--	--	--	--
FP-2	FPS-2	Diesel-fired fire pump. Installed in 2001.	80 HP	--	--	--	--

Process Equipment

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
AB 7 – 15	N/A	Nine (9) - Abrasive grit blasting units (nozzles as sources). Located at dry docks, two railways, and water side abrasive blasting area. Installed pre-1972.	6 tons/hr (total)	--	--	--	May 10, 2012
SS 1-3	SSS 1-3	Three (3) – Storage silos for blasting media. Installed pre-1972.	--	Three (3) – Water Drums with Piping	WDP 1-3	PM/PM10/ PM2.5	--
PB-1	PBS-1	Pangborne ES-1885-32 Rotoblast machine. Installed pre-1972.	--	Dust Collector with Shake Bags	DCSB-1	PM/PM10/ PM2.5	--
SP 1 – 6	N/A	Six (6) - Airless pumps with spray gun applicators (nozzles as sources). Located at dry docks, two railways, and water side abrasive blasting area. Installed pre-1972.	540 gal/hr (total)	--	--	--	May 10, 2012

DC	N/A	Cold solvent degreaser sink. Installed pre-1972.	--	--	--	--	--
WW-1	WWS-1	Wood working operations (Table saws, chain saws). Installed pre-1972.	--	Cyclone	CY-1	PM/PM10/ PM2.5	--

*The Size/Rated capacity and Pollution Control Device description are provided for informational purposes only and are not applicable requirements.

Reciprocating Internal Combustion Engine (RICE) Requirements – (Ref. Nos. EG-1, EG-2, FP-1, and FP-2)

Limitations

1. **RICE Requirements (Ref. Nos. EG-1, EG-2, FP-1, and FP-2) – Visible Emissions Limitations –** Visible emissions from the emergency engines shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity. The opacity standards for the engines apply at all times except during periods of startup, shutdown and malfunction.
(9VAC5-80-110 and 9VAC5-50-80)
2. **RICE Requirements (Ref. Nos. EG-1, EG-2, and FP-1) – 40 CFR 63 Subpart ZZZZ – Fuel Requirements –** The permittee shall use diesel fuel that meets the requirements in 40 CFR 1090.305 for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to January 1, 2015, may be used until depleted when using diesel fuel and operating for the purposes specified in 40 CFR 63.6640(f)(4)(ii).
(9VAC5-80-110 and 40 CFR 63.6604(b))
3. **RICE Requirements (Ref. Nos. EG-1, EG-2, FP-1, and FP-2) – 40 CFR 63 Subpart ZZZZ – Continuous Compliance –** The permittee shall be in compliance with the emission limitations, operating limitations, and other requirements in 40 CFR 63 Subpart ZZZZ that apply to the source at all times. At all times the permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.
(9VAC5-80-110 and 40 CFR 63.6605)
4. **RICE Requirements (Ref. Nos. EG-1, EG-2, FP-1, and FP-2) – 40 CFR 63 Subpart ZZZZ – Continuous Compliance –** The permittee shall operate the emergency stationary RICE according to the requirements in 40 CFR 63.6640(f)(1) through (4). In order for the engine to be considered an emergency stationary RICE under 40 CFR 63 Subpart ZZZZ, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in 40 CFR 63.6640(f)(1) through (4) is prohibited. If the permittee does not operate the engine according to the requirements in 40 CFR 63.6640(f)(1) through (4), the engine will not be considered an emergency engine under 40 CFR 63 Subpart ZZZZ and must meet all requirements for non-emergency engines.
 - a. There is no time limit on the use of emergency stationary RICE in emergency situations.
 - b. The permittee may operate the emergency stationary RICE for any combination of the following purposes for a maximum of 100 hours per calendar year: emergency stationary RICE may be

operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The permittee may petition EPA for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the permittee maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year. Any operation for non-emergency situations as allowed by 40 CFR 63.6640(f)(3) and (4) of 40 CFR 63.6640(f) counts as part of the 100 hours per calendar year allowed by 40 CFR 63.6640(f)(2).

- c. Emergency stationary RICE located at major sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing provided in Condition 4.b. The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

(9VAC5-80-110 and 40 CFR 63.6640(f))

- 5. **RICE Requirements (Ref. Nos. FP-1 and FP-2) – 40 CFR 63 Subpart ZZZZ – Operation and Maintenance** – The permittee must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written operation and maintenance instructions or the permittee shall develop a maintenance plan which shall provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. If an optional oil analysis program is used in accordance with 40 CFR 63.6625(i), it must be part of the maintenance plan.

(9VAC5-80-110, 40 CFR 63.6625(e), 40 CFR 63.6625(i), 40 CFR 63.6640(a), and Table 6 of 40 CFR 63 Subpart ZZZZ)

- 6. **RICE Requirements (Ref. Nos. FP-1 and FP-2) – 40 CFR 63 Subpart ZZZZ – Limitations** – The permittee shall meet the following requirements:

- a. Change oil and filter every 500 hours of operation or annually, whichever comes first;
- b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary;
- c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

The permittee has the option of utilizing the oil analysis program according to 40 CFR 63.6625(i). (9VAC5-80-110, 40 CFR 63.6602, 40 CFR 63.6625(i), and Item I of Table 2c of 40 CFR 63 Subpart ZZZZ)

7. **RICE Requirements (Ref. Nos. FP-1 and FP-2) – 40 CFR 63 Subpart ZZZZ – Operation and Maintenance** – The permittee shall minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.
(9VAC5-80-110 and 40 CFR 63.6625(h) and Item I of Table 2c of 40 CFR 63 Subpart ZZZZ)

Monitoring and Recordkeeping

8. **RICE Requirements (Ref. Nos. FP-1 and FP-2) – 40 CFR 63 Subpart ZZZZ – Monitoring** – The permittee shall install a non-resettable hour meter on each fire pump (Ref. Nos. FP-1 and FP-2) if one is not already installed.
(9VAC5-80-110 and 40 CFR 63.6625(f))
9. **RICE Requirements (Ref. Nos. EG-1, EG-2, FP-1, and FP-2) – Recordkeeping** – The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include but are not limited to records as necessary to demonstrate compliance with 40 CFR 63 Subpart ZZZZ for the RICE equipment (Ref. Nos. EG-1, EG-2, FP-1, and FP-2).

These records shall be available on site for inspection by the DEQ and shall be current for the most recent (5) years.

(9VAC5-80-110 and 9VAC5-50-50)

10. **RICE Requirements (Ref. Nos. FP-1 and FP-2) – 40 CFR 63 Subpart ZZZZ – Recordkeeping** – The permittee must keep the following records:
- a. Records of the occurrence and duration of each malfunction of operation or the air pollution control and monitoring equipment.
 - b. Records of the maintenance conducted on each fire pump (Ref. Nos. FP-1 and FP-2) to demonstrate that the permittee operated and maintained the fire pump and after-treatment control device (if any) according to its own maintenance plan.
 - c. Records of all required maintenance performed on the air pollution control and monitoring equipment.
 - d. Records of all actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR 63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.
 - e. Records required in Item 9 of Table 6 of 40 CFR 63 Subpart ZZZZ to show continuous compliance with each emission or operating limitation that applies to the permittee.
 - f. Records of the maintenance conducted on the stationary RICE in order to demonstrate that the source operated and maintained the stationary RICE and after-treatment control device (if any) according to the permittee's maintenance plan.

- g. If the oil analysis program described in Condition 5 is implemented, the permittee shall keep records of the parameters that are analyzed as part of the program, the results of the analysis and the oil changes for the engines.
- h. If the emergency stationary RICE does not meet the standards in 40 CFR 63 Subpart ZZZZ applicable to non-emergency engines, the permittee shall keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The documentation shall include the information specified in 40 CFR 63.6655(f).
- i. Records shall be kept in a form and for the duration specified in 40 CFR 63.6660(a) through (c). (9VAC5-80-110, 40 CFR 63.6625(i), and 40 CFR 63.6655(a), (d), (e) and (f))

Testing

- 11. **RICE Requirements (Ref. Nos. EG-1, EG-2, FP-1, and FP-2) – Testing** – If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9VAC5-80-110)

Reporting

- 12. **RICE Requirements (Ref. Nos. EG-1, EG-2, and FP-1) – 40 CFR 63 Subpart ZZZZ – Reporting** – Negative reports are not required. The permittee shall report only when a unit is used in the purposes specified in 40 CFR 63.6640(f)(4)(ii). The permittee shall submit annual reports according to these requirements:
 - a. The report must contain the following information:
 - i. Company name and address where the engine is located.
 - ii. Date of the report and beginning and ending dates of the reporting period.
 - iii. Engine site rating and model year.
 - iv. Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place.
 - v. Hours spent for operation for the purpose specified in 40 CFR 63.6640(f)(4)(ii), including the date, start time, and end time for engine operation for the purposes specified in 40 CFR 63.6640(f)(4)(ii). The report must also identify the entity that dispatched the engine and the situation that necessitated the dispatch of the engine.
 - vi. If there were no deviations from the fuel requirements in 40 CFR 63.6604 that apply to the engine (if any), a statement that there were no deviations from the fuel requirements during the reporting period.

- vii. If there were deviations from the fuel requirements in 40 CFR 63.6604 that apply to the engine (if any), information on the number, duration, and cause of deviations, and the corrective action taken.
 - b. The annual report must be submitted electronically using the subpart specific reporting form in the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (www.epa.gov/cdx). However, if the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the written report must be submitted to the Administrator at the appropriate address listed in 40 CFR 63.13.
(9VAC5-80-110, 40 CFR 63.6650(a), 40 CFR 63.6650(h), and Table 7 of 40 CFR 63 Subpart ZZZZ)
13. **RICE Requirements (Ref. Nos. FP-1 and FP-2) – 40 CFR 63 Subpart ZZZZ – Reporting** – The permittee must report each instance in which the source did not meet an applicable operating limitation in Table 2c to Subpart ZZZZ of Part 63, and any applicable requirement included in Table 8 to Subpart ZZZZ of Part 63.
(9VAC5-80-110 and 40 CFR 63.6640(b) and (e))

Process Equipment Requirements: Abrasive Blasting Requirements – (Ref. Nos. AB 7 – 15, SS 1-3, and PB-1)

Limitations

14. **Abrasive Blasting Requirements (Ref. Nos. AB 7 – 15) – Throughputs** – The throughput of abrasive blast material shall not exceed 24,500 tons per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9VAC5-80-110 and Condition 4 of 5/10/12 SOP Permit)

15. **Abrasive Blasting Requirements (Ref. Nos. AB 7 – 15) – Process Emission Limits** – Particulate emissions from the abrasive blasting operations at the ship repair facility shall not exceed the limits specified below:

PM	245.0 tons/yr
----	---------------

PM-10	122.5 tons/yr
-------	---------------

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition 14 and 20 of this permit.

(9VAC5-80-110 and Condition 9 of 5/10/12 SOP Permit)

16. **Abrasive Blasting Requirements (Ref. Nos. AB 7 – 15) – Memorandum of Understanding** – The permittee shall provide/perform the following:
- Establish, implement, and submit a written policy and procedure for outdoor abrasive blasting operations which takes “reasonable precautions to prevent particulate matter from becoming air borne.”
 - Install wind direction and wind speed instruments located conveniently to central shipyard outdoor abrasive blasting operations, and shall maintain records of wind direction and speed.
 - Minimize, or if necessary terminate, outdoor abrasive blasting operations if the prevailing wind direction and speed cause particulate matter from such activities to be transported to adjacent property.
 - Terminate abrasive blasting operations if the wind speed exceeds a sustained 25 miles per hour at the facility, unless effective containment methods are utilized or wind direction is such that particulate matter will not be improperly transported to adjacent property.
 - Use adequate containment methods such as curtains and shrouds where possible and practical, and locate the operations to minimize particulate matter from being transported to adjacent property.

- f. Use airless spray equipment and spray in a horizontal to down pattern to the maximum extent possible and practicable.
 - g. Endeavor to conduct abrasive blasting operations in a manner consistent with the Federal Clean Air Act, Virginia Air Pollution Control Law, and regulations promulgated there under, as applicable. (9VAC5-80-110 and Condition 13 of 5/10/12 SOP Permit)
17. **Abrasive Blasting Requirements (Ref. Nos. PB-1 and SS 1-3) – Process Weight Rate Limitations –** Particulate emissions from the Pangborne unit and each of the abrasive grit blast Storage Silos shall not individually exceed the rate derived from the following equation:
- $$E = 4.10P^{0.67}$$
- Where:
E = Emission rate in lbs/hr
P = Process weight rate in tons/hr
(9VAC5-80-110 and 9VAC5-40-260 C)
18. **Abrasive Blasting Requirements (Ref. Nos. PB-1 and SS 1-3) – Visible Emissions Limitations –** Visible emissions from the Pangborne unit's dust collector and each of the abrasive grit blast Storage Silos' water drums connected by piping shall not individually exceed 20 percent opacity except during one six-minute period in any hour, during which visible emissions shall not exceed 60 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
(9VAC5-80-110, 9VAC5-40-80, and 9VAC5-40-320)

Monitoring and Recordkeeping

19. **Abrasive Blasting Requirements (Ref. Nos. SS 1-3) – Monitoring –** The permittee shall observe at least monthly the water level of each drum controlling emissions from the abrasive grit blast Storage Silos'. If needed, the permittee shall add or replace water so the water remains above a designated level to where each pollution control device is working properly.
(9VAC5-80-110 and 9VAC5-40-380)
20. **Abrasive Blasting Requirements (Ref. Nos. AB 7 – 15, PB-1, and SS 1-3) – Recordkeeping –** The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
- a. Annual throughput of abrasive blast material for Ref. Nos. AB 7 – 15, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.

- b. Monthly and annual calculated emissions in tons of PM and PM10 necessary to demonstrate compliance with Condition 15. Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period. Emission calculations shall be based on abrasive blast material throughput and methodology approved by DEQ.
- c. Records of wind direction and speed for the outdoor abrasive blasting, as required by Condition 16.b.
- d. Written policy and procedures for outdoor abrasive blasting operations, as required by Condition 16.a.
- e. Records of manufacturer recommendations for operation and maintenance of the dust collector controlling the Pangborne unit.
- f. Records of inspections and water replacement for each water drum and piping treating emissions from the abrasive grit blast Storage Silos’.
- g. Records of the dust collector maintenance and filter replacements.
- h. Log of the monthly water drum inspections and water replacement, as applicable, as required by Condition 19.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9VAC5-80-110, 9VAC5-40-390, and Condition 14 of 5/10/12 SOP Permit)

Testing

21. **Abrasive Blasting Requirements (Ref. Nos. AB 7 – 15, PB-1, and SS 1-3) – Testing** – If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9VAC5-80-110, 9VAC5-40-30, and 9VAC5-40-370)

Process Equipment Requirements: Coating and Cleaning Operation Requirements – (Ref. Nos. SP 1 – 6)

Limitations

22. **Coating and Cleaning Operation Requirements (Ref. Nos. SP 1 – 6) – Throughputs** – The throughput of coating media, as applied to marine vessels and marine parts, shall not exceed 126,212 gallons per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9VAC5-80-110 and Condition 5 of 5/10/12 SOP Permit)
23. **Coating and Cleaning Operation Requirements (Ref. Nos. SP 1 – 6) – Throughputs** – The throughput of solvents used to clean the spray applicator guns and associated equipment shall not exceed 9,187.5 gallons per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9VAC5-80-110 and Condition 6 of 5/10/12 SOP Permit)
24. **Coating and Cleaning Operation Requirements (Ref. Nos. SP 1 – 6) – VOC Content Limit** – The VOC content in any of the solvents used to clean the spray applicator guns and associated equipment shall not exceed 8.0 pounds VOC per gallon of product (lbs/gal), less water and exempt compounds. An exempt compound refers to a compound that has been excluded from the official definition of volatile organic compounds as found in 9VAC5-10-20 of the Regulations.
(9VAC5-80-110 and Condition 7 of 5/10/12 SOP Permit)
25. **Coating and Cleaning Operation Requirements (Ref. Nos. SP 1 – 6) – VOC Work Practices** – At all times the disposal of volatile organic compounds shall be accomplished by taking measures, to the extent practicable, consistent with air pollution control practices for minimizing emissions. Volatile organic compounds shall not be intentionally spilled, discarded in sewers which are not connected to a treatment plant, or stored in open containers, or handled in any other manner that would result in evaporation beyond that consistent with air pollution practices for minimizing emissions.
(9VAC5-80-110 and Condition 3 of 5/10/12 SOP Permit)
26. **Coating and Cleaning Operation Requirements (Ref. Nos. SP 1 – 6) – VOC Work Emissions** – VOC emissions from spray coating applications, combined, shall not exceed the limits specified below:

Volatile Organic Compounds	208.3 tons/yr
----------------------------	---------------

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 22 and 29 of this permit.

(9VAC5-80-110 and Condition 10 of 5/10/12 SOP Permit)

27. **Coating and Cleaning Operation Requirements (Ref. Nos. SP 1 – 6) – VOC Work Emissions –** VOC emissions from operations involving the cleaning and/or purging of spray applicator equipment, combined, shall not exceed the limits specified below:

Volatile Organic Compounds 1.8 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 23, 24, and 29 of this permit.

(9VAC5-80-110 and Condition 11 of 5/10/12 SOP Permit)

28. **Coating and Cleaning Operation Requirements (Ref. Nos. SP 1 – 6) – Memorandum of Understanding** – The permittee shall provide/perform the following:

- a. Establish, implement, and submit a written policy and procedure for outdoor spray painting operations which takes “reasonable precautions to prevent particulate matter from becoming air borne.”
 - b. Install wind direction and wind speed instruments located conveniently to central shipyard outdoor spray painting operations, and shall maintain records of wind direction and speed.
 - c. Minimize, or if necessary terminate, outdoor spray painting operations if the prevailing wind direction and speed cause particulate matter from such activities to be transported to adjacent property.
 - d. Terminate spray painting operations if the wind speed exceeds a sustained 25 miles per hour at the facility, unless effective containment methods are utilized or wind direction is such that particulate matter will not be improperly transported to adjacent property.
 - e. Use adequate containment methods such as curtains and shrouds where possible and practical, and locate the operations to minimize particulate matter from being transported to adjacent property.
 - f. Use airless spray equipment and spray in a horizontal to down pattern to the maximum extent possible and practicable.
 - g. Endeavor to conduct spray painting operations in a manner consistent with the Federal Clean Air Act, Virginia Air Pollution Control Law, and regulations promulgated there under, as applicable.
- (9VAC5-80-110 and Condition 13 of 5/10/12 SOP Permit)

Monitoring and Recordkeeping

29. **Coating and Cleaning Operation Requirements (Ref. Nos. SP 1 – 6) – Recordkeeping** – The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:

- a. Annual throughput of coating media in gallons, as applied to marine vessels and marine parts, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months;
- b. Annual throughput of solvents/thinners used to clean the spray guns and associated equipment in gallons, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months;
- c. Monthly and annual calculated emissions in pounds per gallon of VOC necessary to demonstrate compliance with Condition 24. Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period. Emission calculations shall be based on coating throughput, and according to procedures acceptable to DEQ.
- d. Material Safety Data Sheets (MSDS) or other vendor information as approved by DEQ showing the VOC and HAP contents for each coating media and solvent/thinner used;
- e. Records of wind direction and speed for the outdoor spray painting operations, as required by Condition 28.b.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9VAC5-80-110 and Condition 14 of 5/10/12 SOP Permit)

Testing

30. **Coating and Cleaning Operation Requirements (Ref. Nos. SP 1 – 6) – Testing** – If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9VAC5-80-110)

Process Equipment Requirements: Degreasing Operations - Non-Halogenated Cold Degreaser (Ref. No. DC)

Limitations

31. **Degreasing Operations Requirements (Ref. No. DC) – Degreaser** – Vapor control is required for the cold cleaner (Ref. No. DC) to remove, destroy, or prevent the discharge into the atmosphere of at least 85% by weight of volatile organic compound emissions. Achievement of the 85% vapor control shall be done by the following:
- a. Covers or enclosed remote reservoirs. Covers should be designed so that they can be easily operated with one hand. (Covers for larger degreasers may require mechanical assistance, by spring loading, counterweighting or powered systems). Enclosed remote reservoirs should be designed such that they provide reduction effectiveness equivalent to that of a cover.
 - b. Drainage facilities to collect and return solvent to a closed container or a solvent cleaning machine. If a solvent volatility is greater than 0.6 psi measured at 100°F, then the drainage facilities should be internal so that parts are enclosed under the cover while draining. Drainage facilities may be external for applications where an internal type cannot fit into the cleaning system.
 - c. A permanent label, summarizing the operating procedures in 9VAC5-40-3290 C (2) in a conspicuous location on/near the cold cleaning unit(s).
 - d. If used, the solvent spray should be a solid, fluid stream (not a fine, atomized or shower type spray) and at a pressure which does not cause excessive splashing.
(9VAC5-80-110, 9VAC5-40-3280 C (1) and (2), and 9VAC5-40-3290 C (1))
32. **Degreasing Operations Requirements (Ref. No. DC) – Degreaser** – The following operating procedures for the cold cleaning units (Ref. No. DC) shall be followed:
- a. Waste solvent should not be disposed of or transferred to another party, such that greater than 20% of the waste (by weight) can evaporate to the atmosphere. Waste solvent shall be stored in closed containers only.
 - b. The cold cleaning unit cover should be closed whenever not handling parts in the cold cleaner.
 - c. Cleaned parts should drain for at least 15 seconds or until dripping ceases.
(9VAC5-80-110, 9VAC5-40-3280 C (1) and (2), and 9VAC5-40-3290 C (2))
33. **Degreasing Operations Requirements (Ref. No. DC) – Disposal** – Disposal of waste solvent from the cold cleaning units (Ref. No. DC) shall be done by one of the following:
- a. Reclamation (either by outside services or in-house), or
 - b. Incineration by approved company.
(9VAC5-80-110, 9VAC5-40-3280 C (1) and (2), and 9VAC5-40-3290 D)

Monitoring and Recordkeeping

34. **Degreasing Operations Requirements (Ref. No. DC) – Degreaser Inspections** – The degreasing unit (Ref. No. DC) will be inspected once per calendar year to ensure that the label with the operating procedures is placed in a conspicuous place on or near each degreasing unit.
(9VAC5-80-110)
35. **Degreasing Operations Requirements (Ref. No. DC) – Degreaser Inspections** – The degreasing unit (Ref. No. DC) will be inspected once per calendar year to ensure that each has a cover or enclosed remote reservoir, and waste solvent from each unit is stored in closed containers.
(9VAC5-80-110)
36. **Degreasing Operations Requirements (Ref. No. DC) – Degreaser Records** – The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
- a. Annual inspection results and any corrective actions taken.
 - b. Method(s) of waste solvent disposal.
 - c. MSDS for each solvent used.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9VAC5-80-110)

Process Equipment Requirements: Wood Working Operations Requirements (Ref. No. WW-1)

Limitations

37. **Woodworking Operations Requirements (Ref. No. WW-1) – Limitations** – The permittee shall not cause or permit to be discharged into the atmosphere any particulate emissions caused by any woodworking operation without providing, as a minimum, for their collection, adequate duct work and properly designed collectors, or such other devices, as approved by the DEQ.
(9VAC5-80-110 and 9VAC5-40-2270 A)
38. **Woodworking Operations Requirements (Ref. No. WW-1) – Limitations** – Particulate emissions shall not exceed 0.05 grains per standard cubic feet of exhaust gas.
(9VAC5-80-110 and 9VAC5-40-2270 B)
39. **Woodworking Operations Requirements (Ref. No. WW-1) – Limitations** – Visible emissions from the Wood Working process shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60 percent opacity.
(9VAC5-80-110, 9VAC5-40-80, and 9VAC5-40-2280)

Monitoring and Recordkeeping

40. **Woodworking Operations Requirements (Ref. No. WW-1) – Monitoring** – The permittee shall observe each wood working operations exhaust stack over a two-minute period at least once per week while the process is operating during daylight hours to check for the presence of visible emissions. If visible emissions are observed during the weekly check or at any time, the permittee shall:
- Take timely corrective action such that the wood working operations process resumes normal operation with no visible emissions, or,
 - Conduct a visible emissions evaluation (VEE) in accordance with EPA Test Method 9 (40 CFR 60, Appendix A) to determine the percent opacity from the wood working operations process. The VEE shall be conducted for a minimum of six minutes. If any of the six-minute VEE averages exceeds 20 percent opacity, the VEE shall be conducted for a total of 60 minutes. If compliance with Condition 39 is not demonstrated by the VEE, timely corrective action shall be taken such that they resume operation with visible emissions of 20 percent opacity or less.

The permittee shall record the following in a log: date and time of each observation, name of the observer, whether or not there were visible emissions, any VEE recordings and any necessary corrective action.

After conducting the weekly visible emissions evaluations for a six-month period without observing any visible emissions, the permittee may reduce the frequency of visible emissions evaluations of the wood working operations process from once per week to once per month. The permittee shall conduct the once-per-month evaluations in accordance with the procedures and requirements described above. If visible emissions are observed from the wood working operations process at any time, the corrective action procedures and Method 9 testing described above shall be immediately instituted. After correction of the opacity problem, the permittee shall resume weekly visible emissions evaluations. Once weekly visible emissions evaluations are conducted for a six-month period without observation of any visible emissions at any time, a monthly schedule may again be instituted for the wood working operations process.

(9VAC5-80-110 and 9VAC5-40-2340)

41. **Woodworking Operations Requirements (Ref. No. WW-1) – Recordkeeping** – The permittee shall maintain records of all emissions data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall include, but are not limited to:

- a. Log of weekly and/or monthly VE evaluations and any corrective actions taken.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.

(9VAC5-80-110 and 9VAC5-40-2350)

MACT, Subpart II Shipbuilding and Ship Repair Requirements

Limitations

42. **MACT, Subpart II Requirements – MACT Containers & Handling** – Each owner or operator shall ensure that:
- a. All handling and transfer of VOHAP-containing materials to and from containers, tanks, vats, drums, and piping systems is conducted in a manner that minimizes spills.
 - b. All containers, tanks, vats, drums, and piping systems are free of cracks, holes, and other defects and remain closed unless materials are being added to or removed from them.
(9VAC5-80-110 and 40 CFR 63.783(b))
43. **MACT, Subpart II Requirements – Low Use Exempt** – The provisions of 40 CFR Part 63, Subpart II do not apply to “low-usage exempt” coatings used in volumes of less than 52.8 gallons per year for each coating, and 264 gallons per year of all such coatings. Coatings exempt under this condition shall be clearly labeled as “low-usage exempt”.
(9VAC5-80-110 and 40 CFR 63.781(b))
44. **MACT, Subpart II Requirements – SSM** – The provisions of 40 CFR Part 63 Subpart A pertaining to startups, shutdowns, and malfunctions and continuous monitoring do not apply unless an add-on control system is used to comply with 40 CFR Part 63 Subpart II.
(9VAC5-80-110 and 40 CFR 63.781(d))
45. **MACT, Subpart II Requirements – Coating HAP Limits** – No owner or operator shall cause or allow the application of any coating to a ship with an as-applied Volatile Organic Hazardous Air Pollutant (VOHAP) content exceeding the applicable limit given in Table 2 of 40 CFR 63 Subpart II, as determined by the procedures described in 40 CFR 63.785(c)(1) through (c)(4).
(9VAC5-80-110 and 40 CFR 63.783(a))

Compliance Procedures

46. **MACT, Subpart II Requirements – Certifications** – For each batch of coating that is received, the owner or operator shall:
- a. Determine the coating category and the applicable VOHAP limit as specified in 40 CFR 63.783(a).
 - b. Certify the as-supplied VOC content of the batch of coating.
(9VAC5-80-110 and 40 CFR 63.785(a))
47. **MACT, Subpart II Requirements – Alternatives To Testing** – In lieu of testing each batch of coating, as applied, the owner or operator may determine compliance with the VOHAP limits using any combination of the procedures described in 40 CFR 63.785 (c)(1), (c)(2), (c)(3), and (c)(4). The procedure used for each coating shall be determined and documented prior to application.
(9VAC5-80-110 and 40 CFR 63.785(b)(1))

48. **MACT, Subpart II Requirements – Method 24 Preeminence** – The results of any compliance demonstration using Method 24 shall take precedence over the results using the procedures in 40 CFR 63.785 (c)(1), (c)(2), or (c)(3).
(9VAC5-80-110 and 40 CFR 63.785(b)(2))
49. **MACT, Subpart II Requirements – Test Method Preeminence** – The results of any compliance demonstration conducted using an approved test method to determine VOHAP content shall take precedence over the results using the procedures in 40 CFR 63.785(c)(4).
(9VAC5-80-110 and 40 CFR 63.785(b)(3))

Monitoring, Recordkeeping, and Reporting

50. **MACT, Subpart II Requirements – Records** – For each compliance procedure used (40 CFR 63.785(c)(1), (2), (3), and (4)), the permittee shall maintain records to demonstrate compliance with the chosen procedure.
(9VAC5-80-110 and 40 CFR 63.788(b)(2) and (3))
51. **MACT, Subpart II Requirements – Records** – Each owner or operator shall comply with the applicable recordkeeping and reporting requirements in 40 CFR 63.10(a), (b), (d), and (f).
(9VAC5-80-110 and 40 CFR 63.788(a))
52. **MACT, Subpart II Requirements – Low Use Exempt Coating Records** – Each owner or operator of a major source shipbuilding or ship repair facility having surface coating operations with less than 264 gallons annual marine coating usage shall record the total volume of coating applied at the source to ships. Such records shall be compiled monthly and maintained for a minimum of 5 years.
(9VAC5-80-110 and 40 CFR 63.788(b)(1))
53. **MACT, Subpart II Requirements – Record Retention** – Each owner or operator of an affected source shall compile records on a monthly basis and maintain those records for a minimum of 5 years. At a minimum, these records shall include:
- a. All documentation supporting initial notification;
 - b. A copy of the affected source's implementation plan;
 - c. The volume of each low-usage-exempt coating applied;
 - d. Identification of the coating used, their appropriate coating categories, and the applicable VOHAP limit;
 - e. Certification of the as-supplied VOC content of each batch of coating;
 - f. A determination of whether containers meet the standards as described in 40 CFR 63.783(b)(2);
 - g. The results of any Method 24 of Appendix A or 40 CFR Part 60 or approved VOHAP measurement test conducted on individual containers of coating, as applied; and

- h. Any additional information, as determined by the compliance procedure(s) described in 40 CFR 63.785(c) that the permittee followed.
(9VAC5-80-110, 40 CFR 63.788(b)(2), and 40 CFR 63.788(b)(3))
54. **MACT, Subpart II Requirements – Violations** – If the owner or operator detects a violation of the standard specified in 40 CFR 63.783, the owner or operator shall, for the remainder of the reporting period during which the violation(s) occurred, include the information listed in 40 CFR 63.788 (b)(4) in the facility records.
(9VAC5-80-110 and 40 CFR 63.788(b)(4))
55. **MACT, Subpart II Requirements – Shipyard MACT Report** – Before the 60th day following completion of each 6-month period after the compliance date specified in 40 CFR 63.784, each owner or operator of an affected source shall submit a report to the EPA Administrator and the DEQ Tidewater Regional Office for each of the previous 6 months. The report shall include all of the information that must be retained pursuant to paragraphs (b)(2) through (3) of 40 CFR 63.788, except for that specified in paragraphs (b)(2)(i) through (ii), (b)(2)(v), (b)(3)(i)(A), (b)(3)(ii)(A), and (b)(3)(iii)(A). If a violation is detected, the source shall also report the information specified in paragraph (b)(4) of 40 CFR 63.788 for the reporting period during which the violation(s) occurred. To the extent possible, the report shall be organized according to the compliance procedure(s) followed each month by the affected source.

One copy of the above referenced report shall be sent to the EPA Administrator at the following address:

United States Environmental Protection Agency
Region III, Enforcement and Compliance Assurance Division
Air, RCRA and Toxics Branch (3ED21)
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2852

(9VAC5-80-110 and 40 CFR 63.788(c))

Facility Wide Requirements

Limitations

56. **Facility Wide Requirements – Facility Wide Criteria Pollutant Emission Limits** – Criteria pollutant emissions from the operation of the ship repair facility shall not exceed the limits specified below:

PM	245.0 tons/yr
PM-10	122.5 tons/yr
Sulfur Dioxide	15.5 tons/yr
Nitrogen Oxides (as NO ₂)	4.4 tons/yr
Carbon Monoxide	1.1 tons/yr
Volatile Organic Compounds	210.1 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 14, 16, 20, 22, 23, 24, 28, and 29 of this permit.
(9VAC5-80-110 and Condition 12 of 5/10/12 SOP Permit)

Monitoring and Recordkeeping

57. **Facility Wide Requirements – Recordkeeping** – The permittee shall be required to keep the following records:
- Records of annual facility-wide emissions of each pollutant, calculated monthly as a rolling 12-month total.
 - Records of underlying throughputs and assumptions, including emissions factors and their bases, used in emissions calculations.
(9VAC5-80-110)

Testing

58. **Facility Wide Requirements – Testing/Monitoring Ports** – The permitted facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. Test ports shall be provided upon request.
(9VAC5-80-110 and Condition 16 of 5/10/12 SOP Permit)

Insignificant Emission Units

59. The following emission units at the facility are identified in the application as insignificant emission units under 9VAC5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9VAC5-80-720 B)	Rated Capacity (9VAC5-80-720 C)
MF	Metal Fabrication	9VAC5-80-720 B.1	PM	--
PW	Portable Gasoline/Diesel Fired Power Washer	9VAC5-80-720 B.1	PM, SO ₂ , CO, NO _x	--
HP	Hot Water Parts Washer	9VAC5-80-720 A	--	--
SH 1-2	Two (2) space heaters which burn distillate oil and on-site generated used oil	9VAC5-80-720 A	--	SH 1 at 280,000 Btu/hr SH 2 at 350,000 Btu/hr

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9VAC5-80-110.
 (9VAC5-80-110)

Permit Shield & Inapplicable Requirements

60. Compliance with the provisions of this permit shall be deemed in compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
--	None Identified	--

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act or (ii) the DEQ pursuant to §10.1-1307.3 or §10.1-1315 of the Virginia Air Pollution Control Law.
(9VAC5-80-110 and 9VAC5-80-140)

General Conditions

61. **General Conditions – Federal Enforceability** – All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9VAC5-80-110)
62. **General Conditions – Permit Expiration** –
- a. This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9VAC5-80-80, the right of the facility to operate shall be terminated upon permit expiration.
 - b. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
 - c. If an applicant submits a timely and complete application for an initial permit or renewal under 9VAC5-80-80 F, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9VAC5 Chapter 80, until the DEQ takes final action on the application under 9VAC5-80-150.
 - d. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9VAC5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9VAC5 Chapter 80.
 - e. If an applicant submits a timely and complete application under section 9VAC5-80-80 for a permit renewal but the DEQ fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9VAC5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
 - f. The protection under subsections F 1 and F 5 (ii) of section 9VAC5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant to section 9VAC5-80-80 D, the applicant fails to submit by the deadline specified in writing by the DEQ any additional information identified as being needed to process the application.
(9VAC5-80-80, 9VAC5-80-110, and 9VAC5-80-170)
63. **General Conditions – Recordkeeping and Reporting** – All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
- a. The date, place as defined in the permit, and time of sampling or measurements;

- b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;
 - e. The results of such analyses; and
 - f. The operating conditions existing at the time of sampling or measurement.
- (9VAC5-80-110)

64. **General Conditions – Recordkeeping and Reporting** – Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9VAC5-80-110)

65. **General Conditions – Recordkeeping and Reporting** – The permittee shall submit the results of monitoring contained in any applicable requirement to the DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
- b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - i. Exceedances of emissions limitations or operational restrictions;
 - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring or periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semiannual reporting period."

(9VAC5-80-110)

66. **General Conditions – Annual Compliance Certification** – Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to the Environmental Protection Agency (EPA) and the DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a) (3) and §504(b) of the federal Clean Air Act. The permittee shall maintain

a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:

- a. The time period included in the certification. The time period to be addressed is January 1 to December 31;
- b. The identification of each term or condition of the permit that is the basis of the certification;
- c. The compliance status;
- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
- e. Consistent with subsection 9VAC5-80-110, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
- f. Such other facts as the permit may require to determine the compliance status of the source; and
- g. One copy of the annual compliance certification shall be submitted to the EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3_APD_Permits@epa.gov

(9VAC5-80-110)

67. **General Conditions – Permit Deviation Reporting** – The permittee shall notify the Tidewater Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9VAC5-40-50 C or 9VAC5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9VAC5-40-40 or 9VAC5-50-40. The occurrence should also be reported in the next semiannual compliance monitoring report pursuant to Condition 65 of this permit.
(9VAC5-80-110 F. 2)
68. **General Conditions – Failure/Malfunction Reporting** – In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall no later than four daytime business hours after the malfunction is discovered, notify the Tidewater Regional Office of such failure or malfunction and within 14 days provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9VAC5-40-50 C or 9VAC5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9VAC5-40-40 or 9VAC5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Tidewater Regional Office.
(9VAC5-80-110 and 9VAC5-20-180)

69. **General Conditions – Severability** – The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9VAC5-80-110)
70. **General Conditions – Duty to Comply** – The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9VAC5-80-110)
71. **General Conditions – Need to Halt or Reduce Activity not a Defense** – It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9VAC5-80-110)
72. **General Conditions – Permit Modification** – A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9VAC5-80-50, 9VAC5-80-1100, 9VAC5-80-1605, or 9VAC5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9VAC5-80-110, 9VAC5-80-190, and 9VAC5-80-260)
73. **General Conditions – Property Rights** – The permit does not convey any property rights of any sort, or any exclusive privilege.
(9VAC5-80-110)
74. **General Conditions – Duty to Submit Information** – The permittee shall furnish to the DEQ, within a reasonable time, any information that the DEQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the DEQ copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the DEQ along with a claim of confidentiality.
(9VAC5-80-110)
75. **General Conditions – Duty to Submit Information** – Any document (including reports) required in a permit condition to be submitted to the DEQ shall contain a certification by a responsible official that meets the requirements of 9VAC5-80-80 G.
(9VAC5-80-110)
76. **General Conditions – Duty to Pay Permit Fees** – The owner of any source for which a permit was issued under 9VAC5-80-50 through 9VAC5-80-300 shall pay annual emissions fees, as applicable, consistent with the requirements of 9VAC5-80-310 through 9VAC5-80-350 and annual maintenance fees, as applicable, consistent with the requirements of 9VAC5-80-2310 through 9VAC5-80-2350.
(9VAC5-80-110, 9VAC5-80-310 et seq., and 9VAC5-80-2310 et seq.)

77. **General Conditions – Fugitive Dust Emission Standards** – During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
 - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
 - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
 - d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
 - e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
(9VAC5-80-110 and 9VAC5-50-90)
78. **General Conditions – Startup, Shutdown, and Malfunction** – At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the DEQ, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9VAC5-80-110 and 9VAC5-50-20 E)
79. **General Conditions – Alternative Operating Scenarios** – Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9VAC5 Chapter 80, Article 1.
(9VAC5-80-110)
80. **General Conditions – Inspection and Entry Requirements** – The permittee shall allow the DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:
- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

- b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
 - d. Sample or monitor at reasonable times' substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
- (9VAC5-80-110)

81. **General Conditions – Reopening for Cause** – The permit shall be reopened by the DEQ if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9VAC5-80-80 F. The conditions for reopening a permit are as follows:

- a. The permit shall be reopened if the DEQ or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - b. The permit shall be reopened if the administrator or the DEQ determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
 - c. The permit shall not be reopened by the DEQ if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9VAC5-80-110 D.
- (9VAC5-80-110)

82. **General Conditions – Permit Availability** – Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to the DEQ upon request.

(9VAC5-80-110 and 9VAC5-80-150)

83. **General Conditions – Transfer of Permits** –

- a. No person shall transfer a permit from one location to another, unless authorized under 9VAC5-80-130, or from one piece of equipment to another.
- b. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the DEQ of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9VAC5-80-200.
- c. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the DEQ of the change in source name within 30 days of the name change and shall comply with the requirements of 9VAC5-80-200.

(9VAC5-80-110 and 9VAC5-80-160)

84. **General Conditions – Permit Revocation or Termination for Cause** – A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9VAC5 Chapter 80 Article 1. The DEQ may suspend, under such conditions and for such period of time as the DEQ may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
(9VAC5-80-110, 9VAC5-80-190 C, and 9VAC5-80-260)
85. **General Conditions – Duty to Supplement or Correct Application** – Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9VAC5-80-110 and 9VAC5-80-80 E)
86. **General Conditions – Stratospheric Ozone Protection** – If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(9VAC5-80-110 and 40 CFR Part 82)
87. **General Conditions – Asbestos Requirements** – The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9VAC5-60-70 and 9VAC5-80-110)
88. **General Conditions – Accidental Release Prevention** – If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(9VAC5-80-110 and 40 CFR Part 68)
89. **General Conditions – Changes to Permits for Emissions Trading** – No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9VAC5-80-110)

90. **General Conditions – Emissions Trading** – Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
- a. All terms and conditions required under 9VAC5-80-110, except subsection N, shall be included to determine compliance.
 - b. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
 - c. The owner shall meet all applicable requirements including the requirements of 9VAC5-80-50 through 9VAC5-80-300.
(9VAC5-80-110)